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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,958	12/14/2001	Jari Vallstrom	413-010736-US(PAR)	1837
2512	7590	07/15/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			POWERS, WILLIAM S	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/021,958	VALLSTROM, JARI
	Examiner William S. Powers	Art Unit 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 December 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 10/022,559.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>14/12/2001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. Claims 1-17 have been examined.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 1, reference number 13. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 5 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant recites “user-specific password” (page 8, line 15) to narrow “user-specific PIN code” (page 8, lines 10-11). A PIN is a “unique code number used to gain access to personal information” (Microsoft Computer Dictionary, page 404), whereas a password is a “string of characters entered by a user to verify his or her identity to the network” (Microsoft Computer Dictionary, page 393). A PIN is a specialized password and, as such, is not further limited by claim 5.

4. Claim 15 is objected to because of the following informalities: the phrase “personal PIN” (page 9, line 11) is repetitious. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8,10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the connection" in page 8, line 19. There is insufficient antecedent basis for this limitation in the claim.

Claims 10, 12 and 13 recite the limitation "the authorities" in page 8, lines 24 and 30 and page 9, line 2. There is insufficient antecedent basis for this limitation in the claim.

As to claim 12 and 13, applicant references "the authorities" (page 8, lines 24 and 30 and page 9, line 2) but does not specify who "the authorities" are.

Claim 13 further provides for the use of "a TETRA network", but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. The TETRA network is not a standard and is an evolving technology. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7-9, 11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,933,785 to Tayloe.

As to claim 1, 3, 7, 11 and 14, Tayloe teaches a SIM card with multiple users' identification data using user specific encryption for phone utilization (column 3, lines 39-45).

As to claim 2, Tayloe teaches the storing of data on the SIM card for use by the users (column 4, lines 45-50).

As to claim 4, 5 and 15, Tayloe teaches the use of a PIN code for user identification (column 2, lines 61-65). As described previously, a PIN code is a specialized password composed of numbers (Microsoft Computer Dictionary, pages 393 and 404).

As to claim 8, Tayloe teaches the use of encryption keys for secure communications (column 3, lines 62-65).

As to claim 9, Tayloe teaches the use of data to select the best network for the user to access (column 4, lines 50-55).

As to claim 16, Tayloe teaches the use of a second PIN code to activate the phone (column 5, lines 57-59).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,933,785 to Tayloe in view of "Realization of a Mobile Data Application in TETRA" by Lammerts et al (hereto referred to as Lammerts).

As to claim 6, Tayloe teaches user specific identification (column 3, lines 45-49), but does not specifically teach the use of a user specific ITSI code.

Lammerts teaches the use of user specific ITSI code (page 248, paragraph 2) in order to identify each entity in a TETRA network.

Therefore, it would be obvious to one with ordinary skill in the art at the time the invention was made to use the generic PIN and PUK codes of Tayloe with the specific ITSI code of Lammerts in order to identify each entity in a TETRA network.

As to claims 10, 12 and 13, Tayloe teaches subscribers to a communication device that has access to all cellular systems in a secure manner (column 1, lines 29-35), but does not specifically mention a TETRA network with authorities as subscribers.

Lammerts teaches that "Public Safety organizations" use TETRA networks to ensure high capacity and secure transmissions (page 247, paragraph 3).

Therefore it would be obvious to one with ordinary skill in the art at the time the invention was made to have subscribers that use the communication device that has access to all cellular systems of Tayloe with the specific TETRA network with municipal authorities as subscribers of Lammerts to ensure high capacity and secure transmissions.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,933,785 to Tayloe in view of U.S. Patent No. 6,513,719 to Imura.

As to claim 17, Tayloe teaches the use of a PIN code to access the network (column 2, lines 61-65), but does not specifically teach the use of a PUK code.

Imura teaches the use of a PUK (Personal Unblocking Key) code to unblock an account that has a PIN that has been blocked due to several

occurrences of entering an incorrect PIN code as a second layer of security for the account.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use the PIN code of Tayloe with the PUK code of Imura as a second layer of security for the account.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,913,175 to Pinault discloses a user linked card for use with a cellular telephone.

U.S. Patent No. 6,119,020 to Miller et al. discloses a SIM card.

U.S. Patent No. 6,697,349 to Mathis et al. discloses a secure cellular network.

U.S. Patent No. 5,907,804 to Schroderus et al. discloses a PIN code and ITSI identification code.

U.S. Patent No. 6,684,063 to Berger et al. discloses a cellular network.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers, whose telephone number is (571) 272-8573. The examiner can normally be reached Monday-Thursday from 8 AM – 4:30 PM Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (886) 217-9197 (toll-free).

July 5, 2005

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